

REMARKS

Claims 1-13 are pending in this Application. This Response, submitted in reply to the Office Action dated January 14, 2009, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claim 1-3, 7-11 and 13

Claims 1-3, 7-11, and 13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Thomas (U.S. Publication 2005/0014548), and further in view of JP 2001/054612 (hereinafter JP '612). Applicant respectfully traverses this rejection.

Applicant notes that the present application claims priority from Japanese Patent Application No. 2003-126087, filed on April 30, 2003. Conversely, Thomas has a US filing date of July 15, 2003.

In other words, Thomas was filed after the filing date of Japanese Patent Application 2003-126087, from which the present application claims priority. Applicant provides herewith a verified English translation of JPA 2003-126087, from which the present application claims priority in order to perfect the claim to foreign priority.

As the translation of JPA 2003-126087 fully supports all of the claimed subject matter of the present application, Applicant respectfully submits that Thomas does not constitute prior art against the present invention, and thus respectfully submits that all the claims of the present application are patentable over this applied reference.

Further, as the Examiner has cited Thomas in response to the arguments and amendments presented in the amendment filed September 29, 2008, Applicant submits that the Examiner has

acknowledged that JP ‘612 alone fails to teach or even fairly suggest the unique features recited in the present claims. Therefore, Applicant submits that claims 1-3, 7-11, and 13 are patentable over the applied references for at least these reasons.

Claims 4-6

Claims 4-6 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Thomas and JP ‘612, and further in view of JP 2002-200243 (hereinafter JP ‘243). Applicant respectfully traverses this rejection.

As noted above, JPA 2003-126087, the Japanese Application from which the present application claims priority, was filed prior to the U.S. filing date of the Thomas reference. As the verified English translation of JPA 2003-126087, submitted herewith, fully supports all of the claimed subject matter, Applicant submits that Thomas does not constitute prior art and respectfully submits that all claims of the present application are patentable over this applied reference.

Further, as the Examiner has cited Thomas in response to the arguments and amendments presented in the amendment filed September 29, 2008, Applicant submits that the Examiner has acknowledged JP ‘612 and JP ‘243 in combination fail to teach or suggest all of the unique features claimed. Therefore, Applicant respectfully submits that that claims 4-6 are patentable over this combination of references for at least this reason.

Claim 12

Claim 12 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Thomas and JP ‘612, and further in view of Schultz (U.S. Publication 2006/0205479). Applicant respectfully traverses this rejection.

As noted above, JPA 2003-126087, the Japanese Application from which the present application claims priority, was filed prior to the U.S. filing date of the Thomas reference. As the verified English translation of JPA 2003-126087 submitted herewith fully supports all of the claimed subject matter, Applicant submits that Thomas does not constitute prior art and respectfully submits that all claims of the present application are patentable over this applied reference.

Further Applicant also submit that the combination of JP '612 and Shultz, do not teach or even fairly suggest all of the features set forth in the present claims. Therefore, Applicant submits that claim 6 is patentable over the applied references for at least this reason.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880 via EFS payment screen. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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